

FEDERAL COMMUNICATIONS COMMISSION
445 TWELFTH STREET SW
WASHINGTON DC 20554

MEDIA BUREAU
AUDIO DIVISION
APPLICATION STATUS: (202) 418-2730
HOME PAGE: www.fcc.gov/mb/audio/

ENGINEER: CHARLES N. (NORM) MILLER
TELEPHONE: (202) 418-2767
FACSIMILE: (202) 418-1410
E-MAIL: charles.miller@fcc.gov

April 18, 2007

Brendan Holland, Esq.
Davis Wright Tremaine LLP
1919 Pennsylvania Avenue NW, Suite 200
Washington, DC 20006-3402

Re: WKWV(FM), Watertown, New York
Facility Identification Number: 85461
Educational Media Foundation
Special Temporary Authorization

Dear Counsel:

This is in reference to the request filed April 3, 2007, on behalf of Educational Media Foundation ("EMF"). EMF requests special temporary authority ("STA") to operate Station WKWV with temporary facilities.¹ In support of the request, EMF states that, in the process of constructing modified WKWV facilities authorized by Construction Permit BPED-20060403BPT, it was forced to mount the new antenna three meters higher than the authorized elevation. Furthermore, EMF states that the licensed antenna was damaged during the construction and is no longer available for use. In order to provide for continued operation of Station WKWV, EMF requests STA for operation with the slightly increased antenna elevation, pending the filing of an application to modify the construction permit.

Our review indicates that the slight increase in antenna height is unlikely to result in interference to other stations. STA will be granted as requested.

Accordingly, the request for STA IS HEREBY GRANTED. Station WKWV may operate with the following facilities:

Geographic coordinates:	43° 57' 15" N, 75° 43' 45" W (NAD 1927)
Channel	211 (90.1 MHz)
Effective radiated power:	0.4 kilowatt (H&V)
Antenna height:	
above ground:	154 meters
above mean sea level:	488 meters
Above average terrain:	207 meters

¹ WKWV is licensed for operation on Channel 211A (90.1 MHz) with effective radiated power of 1 kilowatt (H&V) and antenna height above average terrain of 152 meters.

EMF must notify the Commission when licensed operation is restored. EMF must use whatever means are necessary to protect workers and the public from exposure to radio frequency radiation in excess of the Commission's exposure guidelines. *See* 47 CFR § 1.1310. It is anticipated that an application for modification of construction permit to specify the increased antenna height will be filed prior to the expiration date below.

This authority expires on **July 18, 2007**.

STA Advisory: Section 309(f) of the Communications Act of 1934, as amended, authorizes the Commission to grant STA in cases of "extraordinary circumstances requiring temporary authorizations in the public interest and when delay in the institution of the temporary operations would seriously prejudice the public interest." However, Section 309(f) is not a means by which a licensee/permittee may circumvent established processing procedures which require the filing of an application, nor is it a means by which a broadcaster may enhance his facility or make operation more convenient for the broadcaster. Stations operating with less than licensed facilities under temporary authorities can be viewed as receiving the benefit of a larger protection area than that in which they are currently providing service.

Accordingly, Special Temporary Authorities by nature are to be temporary and are not intended for extended use. Licensees of stations operating under temporary authorities are reminded that timely restoration of permanent facilities is the responsibility of the licensee and should be undertaken expeditiously. Any request for extension of special temporary authorities carries an increased burden with each subsequent request.

Therefore, requests for extension of STA will be granted only where the licensee can show that one or more of the following criteria have been met:

- Restoration of licensed facilities is complete and testing is underway;
- Substantial progress has been made during the most recent STA period toward restoration of licensed operation; or
- No progress has been made during the most recent STA period for reasons clearly beyond the licensee's control, and the licensee has taken all possible steps to expeditiously resolve the problem.

Sincerely,



Charles N. Miller, Engineer
Audio Division
Media Bureau

cc: Educational Media Foundation